



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 12, 2022

Ms. Montana Anderson  
Litigation & PIA Paralegal  
City of Abilene  
P.O. Box 60  
Abilene, Texas 79604-0060

OR2022-31395

Dear Ms. Anderson:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 977634 (22-1587 Widener).

The City of Abilene (the "city") received a request for a specified incident report. You state you will redact certain information pursuant to section 552.130(c) of the Government Code and Open Records Letter No. 2019-32652 (2019).<sup>1</sup> You claim some of the submitted information is excepted from disclosure under section 552.152 of the Government Code. Additionally, you provide documentation showing you have notified the Taylor County Sheriff's Office (the "sheriff's office") of its right to submit comments to this office explaining why the submitted information should not be released.<sup>2</sup> *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released). We have considered the exception you claim and reviewed the submitted information.

Section 552.152 of the Government Code provides the following:

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<sup>1</sup> Section 552.130(c) of the Government Code allows a governmental body to redact the information described in section 552.130(a) without the necessity of seeking a decision from the attorney general. *See* Gov't Code § 552.130(c). If a governmental body redacts such information, it must notify the requestor in accordance with section 552.130(e). *See id.* § 552.130(d), (e). Open Records Letter No. 2019-32652 authorizes the city to withhold public citizens' dates of birth under section 552.101 of the Government Code in conjunction with common-law privacy without requesting a decision from this office.

<sup>2</sup> As of the date of this letter, this office has not received comments from the sheriff's office explaining why any of the submitted information should not be released.

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of Section 552.021 if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

Gov't Code § 552.152. The city represents release of the information that identifies an undercover officer would subject the officer to a substantial threat of physical harm. Upon review, we find the city has demonstrated release of the information at issue would subject the officer to a substantial threat of physical harm. Therefore, the city must withhold the identifying information of the undercover officer under section 552.152 of the Government Code. The city must release the remaining information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Nick Ybarra  
Assistant Attorney General  
Open Records Division

NY/pt

Ref: ID# 977634

Enc. Submitted documents

c: Requestor  
(w/o enclosures)